

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALSH/GRANITE JV,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-558
)	Judge Nora Barry Fischer
HDR ENGINEERING, INC.,)	
)	
Defendant.)	
_____)	
)	
HDR ENGINEERING, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
WALSH/GRANITE JV, et al.,)	
)	
Defendants.)	

ORDER REFERRING CASE TO ALTERNATIVE DISPUTE RESOLUTION

After due consideration of the issues and in consultation with the parties, (*see* Docket No. 367), the Court finds that this case is appropriate for referral to an alternative form of dispute resolution as provided by the local rules of this Court.

IT IS HEREBY ORDERED:

(a) Referral to ADR: This case is referred to **Mediation. Kenneth J. Gibbs, Esquire** is appointed to serve as the Neutral. Compensation of the neutral will be apportioned equally between the parties: 50% by Plaintiff and 50% by Defendants. Compensation shall be paid directly to the neutral upon the conclusion of the ADR process. Failure to pay the neutral shall be brought to the attention of the Court.

(b) Conduct of ADR Conference(s): The ADR conference(s) shall be conducted in

accordance with Local Rule 16.2 and the Court's ADR Policies and Procedures.

(c) Scheduling ADR Conference(s): The ADR conference(s) shall be concluded before **August 17, 2020**, unless extended by order of the Court. The ADR conferences may be conducted at any location agreed to by the parties, counsel, and the assigned neutral. **The report of the mediator shall be electronically filed with the court within seven (7) days of the date of the mediation.**

(d) Designation of Lead Counsel: **Kathleen O. Barnes, Esq.** is designated as lead counsel and shall be responsible for working with the parties and the neutral to coordinate an agreeable date, time and location for the initial ADR conference.

(e) Responsibilities of Lead Counsel: It is the responsibility of lead counsel to insure that the date, time and location of the ADR session as well as the principals from each party, and insurance representatives, with full settlement authority, who will be in attendance at the ADR session, has been electronically filed with the Court by the close of business on **July 17, 2020**. THE COURT SHALL BE PROMPTLY NOTICED OF ANY RESCHEDULED DATE FOR THE SCHEDULED CONFERENCE.

If the parties are utilizing a private process, the case is still governed by the Court's Local Rules and ADR Policies and Procedures. When private processes are used, it is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

The parties are hereby notified that any individual neutral (Court approved or private) is required to become a registered user of the Electronic Case Filing System (ECF) in the United States District Court for the Western District of Pennsylvania. Counsel shall so notify their agreed upon neutral and refer them to the Court's website at

www.pawd.uscourts.gov for user registration forms. Counsel shall confirm to the Court that the selected neutral has completed the process.

Nothing in this order alters the Case Management Order and other Orders previously entered in this case. All deadlines set forth in those Orders remain in full force and effect.

SO ORDERED this 23rd day of June, 2020.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: All counsel of record